

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

VINCENT A. AMBROSETTI,
INDIVIDUALLY AND AS TRUSTEE OF
THE KING'S MINISTRELS CHARITABLE
TRUST a.k.a INTERNATIONAL LITURGY
PUBLICATIONS,

Plaintiff,

v.

OREGON CATHOLIC PRESS,
BERNADETTE FARRELL

Defendants.

**DEFENDANTS' RULE 26(a) INITIAL
DISCLOSURES**

Case No. 3:19-cv-682-JD-MGG

DEFENDANTS RULE 26(a) INITIAL DISCLOSURES

Defendants, Oregon Catholic Press and Bernadette Farrell ("Defendants") hereby make their initial disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure. Defendants do not intend to produce any information which is protected by the attorney-client or other privileges, or the work product doctrine, and will withhold any such information from disclosure or production. While reserving all rights and privileges available to them under the applicable laws, Defendants hereby make the following initial disclosures:

A. Rule 26(a)(1)(A)(i):

John Limb
Oregon Catholic Press, Publisher (Retired)
5536 NE Hassalo St.
Portland, Oregon 97213

Mr. Limb will testify regarding Oregon Catholic Press' ("OCP") first publication of "Christ Be Our Light" and its originality. Mr. Limb will also testify as to the relationship between OCP and Bernadette Farrell.

Wade Wisler
Oregon Catholic Press, Publisher
5536 NE Hassalo St.
Portland, Oregon 97213
Mr. Wisler will testify regarding OCP's continued relationship with Bernadette Farrell as well as the continued distribution of "Christ Be Our Light" by OCP.

Bernadette Farrell
Musical Artist
21 Point Hill
Greenwich, London SE10 8QW, United Kingdom
Ms. Farrell will testify regarding her independent creation of "Christ Be Our Light."

Vincent A. Ambrosetti
Trustee of The King's Minstrels Charitable Trust aka International Liturgy Publications
5137 Murfreesboro Rd.
College Grove, TN 37046
Mr. Ambrosetti will likely testify regarding his alleged creation of "Emmanuel," its date of first publication, and the extent of its distribution. He will also likely testify about the alleged infringement of "Emmanuel" and why he believes "Emmanuel" is infringed by "Christ Be Our Light."

B. Rule 26(a)(1)(A)(ii):

Responsive documents will be available for inspection at the office of Defendants' counsel, or will be copied in total at any party's request and mailed to the party. Those responsive documents are as follows:

- 1) Documents related to the marketing and sales of Defendants' song "Christ Be Our light." Located at Defendants' counsel's office.
- 2) Documents related to the federal registration of both Defendant and Plaintiff's songs "Christ Be Our Light" and "Emmanuel" respectively. Publicly available and available at Defendants' counsel's office and Plaintiff's counsel's office.
- 3) Documents related to the past, present, and future use of Defendants' musical composition in commerce. Located at Defendants' counsel's office.

Additional responsive documents will either be identified in a supplement or produced in response to Plaintiff's Requests for Production.

C. Rule 26(a)(1)(A)(iii)

Defendant is requesting Attorney's fees incurred as a result of this meritless case.

D. Rule 26(a)(1)(A)(iv)

Oregon Catholic Press has tendered case to its insurance carrier OneBeacon Entertainment and coverage has been denied. It has also tendered this case to its general business liability carrier, The Hanover Insurance Group based on the Advertising Injury provision of the policy and coverage has also been denied.

As this action progresses, and to the extent practicable, Defendants may supplement their responses to these disclosures, in accordance with applicable rules of procedure.

DATED this 28th day of February, 2020.

THE DUBOFF LAW GROUP PC

/s/ Leonard D. DuBoff

Leonard D. DuBoff, OSB #774378

lduboff@dubofflaw.com

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of February, 2020, I served the foregoing via email on the following:

Donald J. Schmid
Law Offices of Donald J. Schmid
1251 N Eddy Street, Suite 200
South Bend, IN 46617
schmid@donaldschmidlaw.com

DATED this 28th day of February, 2020.

/s/ Leonard DuBoff